

1 different --

2 DR. WEISS: Okay. So we have a motion for
3 something separate than the previous motion, which is
4 a post-market study, and that could be clarified at
5 another time, I assume.

6 DR. SCHEIN: The purpose is to look for
7 rates of cataract, retinal detachment, treatment for
8 elevated eye pressure, and any other conditions felt
9 appropriate by the FDA.

10 DR. WEISS: And this -- to clarify for the
11 panel, this would be a new cohort of patients who
12 began enrollment after this was into the marketplace.

13 DR. SCHEIN: After it's approved, yes.

14 DR. COLEMAN: I second it.

15 DR. WEISS: We have a second by Dr.
16 Coleman. Does the agency need any clarification of
17 that before we have a vote? There's a proposal -- a
18 motion --

19 DR. ROSENTHAL: The agency only -- no, we
20 understand the motion quite clearly. The agency would
21 like to know if there are any specific issues --

22 DR. SCHEIN: He said cataract, retinal --

1 DR. ROSENTHAL: Oh, did he? I'm sorry.

2 DR. SCHEIN: Cataract, retinal detachment.

3 SPEAKER: Elevated interocular pressure.

4 DR. SCHEIN: Elevated interocular
5 pressure.

6 DR. WEISS: Is there any discussion --

7 DR. ROSENTHAL: And you're happy for us to
8 work it out with the company and our post-market
9 surveillance people.

10 DR. SCHEIN: Yes.

11 DR. ROSENTHAL: And possibly members of
12 this panel as homework assignments.

13 DR. SCHEIN: Yes.

14 DR. ROSENTHAL: Thank you.

15 DR. WEISS: Does the panel -- Dr. Macsai.

16 DR. MACSAI: As a friendly amendment, Dr.
17 Schein, could we add glaucoma to not just elevated
18 interocular pressure?

19 DR. SCHEIN: Yes.

20 DR. MACSAI: And is the purpose of this --
21 clarify for me, because I still got a little confused
22 there earlier. The purpose of this is to see how the

1 device performs out in the general world?

2 DR. SCHEIN: Yes. In patient populations
3 that are not strictly selected based on inclusion
4 criteria for a study amongst surgeons- at-large who
5 receive training, to see what the risk profile is.

6 DR. MACSAI: So this would be surgeons who
7 aren't investigators.

8 DR. SCHEIN: This would be the actual use
9 of the product after it is approved.

10 DR. MACSAI: Okay.

11 DR. WEISS: I just have a question to the
12 agency. Does this meet least burdensome provisions in
13 terms of what you heard?

14 DR. ROSENTHAL: I think you can recommend
15 what you want to recommend. I would like to get some
16 sense of time though, Dr. Schein.

17 DR. SCHEIN: Well --

18 DR. ROSENTHAL: You know, you can do a
19 post-market study for a day, a month, a year, 25
20 years.

21 DR. SCHEIN: As some people in the
22 audience know, there was a requirement for those who

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1 received approval for silicone hydrogel extended wear
2 contact lenses to estimate a rate of ulcerative
3 keratitis. That's a different issue, because the time
4 duration is not as important there, but a greater
5 sample size is important, so that study is in 5,000
6 individuals for a year. I would surmise -- without
7 doing some calculations, I don't want to just make
8 things up off the cuff, that the sample size would be
9 smaller, but the duration a little longer. So I would
10 think in the two to three year range, but with a
11 smaller sample size. There are techniques for working
12 these things out, which are well-known.

13 DR. ROSENTHAL: Thank you.

14 DR. WEISS: So we have a second. Is there
15 any other discussion? Otherwise, we'll put it to a
16 vote. All those in favor signify by raising your
17 hand.

18 (Vote taken.)

19 MS. THORNTON: Dr. Sugar for, Dr.
20 Bandeen-Roche for, Dr. Schein for, Dr. McMahon for,
21 Matoba for, Bradley for, Mathers for, Ho for, Macsai
22 for, Coleman for.

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1 DR. WEISS: All those who are against,
2 signify by raising your hands.

3 (Vote taken.)

4 MS. THORNTON: Grimmett against.

5 DR. WEISS: Any abstentions? No
6 abstentions. Any other motions? So the motion is
7 passed, 10-1. Any other motions? Dr. Macsai.

8 DR. MACSAI: As a point of clarification,
9 Dr. Weiss, we talked about all kinds of other things
10 earlier.

11 DR. WEISS: Yes.

12 DR. MACSAI: Anterior chamber depth,
13 preoperative endothelial cell count, labeling issues.
14 Am I to assume that all those are in the yea, or do we
15 vote on each one of those?

16 DR. WEISS: We won't vote on each of them,
17 but what I wanted the panel to do is to bring up any
18 other motion -- any other conditions, and if there are
19 no others, then I will just read from what I scribed,
20 and I would ask Dr. Mathers to fill in anything that
21 I might have missed.

22 DR. MACSAI: Why don't you read them, and

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1 then we'll see if you missed anything.

2 DR. WEISS: Okay.

3 DR. MACSAI: May save time.

4 DR. WEISS: Okay. So under -- this is
5 going to be a grab-bag because I listed it in each of
6 the -- underneath each of the questions that were
7 posed by FDA. There was the desire for indicating
8 that patients should have a preoperative endothelial
9 cell count prior to having this procedure,
10 demonstrating normal endothelium for age. There was
11 a consideration of serial endothelial cell counts
12 postoperatively. There was no determination made on
13 that particular one, so we might want to put that was
14 a separate condition and have a vote on that.

15 Preoperative endothelial cell count with
16 normal endothelium for age, I think we can list in the
17 grab-bag with everything else that there was fairly
18 uniform agreement on. I would -- if you would like,
19 Dr. Macsai, because I think you had brought this up,
20 is consideration of serial endothelial cell counts
21 postoperatively. Did you want to raise that as a
22 motion to be voted on or not?

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1 DR. MACSAI: I think I was voted down.

2 DR. WEISS: Well, you don't -- it's not a
3 vote until we do it now. So do you want to put it
4 forward as a vote, or leave it be as a condition to be
5 voted on, or would you rather it not?

6 DR. MACSAI: No. I'm comfortable with the
7 preoperative endothelial cell count.

8 DR. WEISS: There was indication of not
9 implanting in anterior chamber cell depths less than
10 three.

11 DR. MACSAI: That's correct.

12 DR. WEISS: That's correct. In terms of
13 with the post-market information, and I will presume
14 that would refer to Dr. Sugar's motion, as well as Dr.
15 Schein's motion, information on the cataract, as well
16 as the specular microscopy. Information indicating
17 that we don't know whether removing or exchanging the
18 lens causes more complications. Information or
19 requesting the Sponsor to give us information whether
20 the axial length measurement is accurate if an IOL is
21 in place. Mandating training. Indication that this
22 is efficacious for reduction, not correction, of

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1 myopia over minus 15. Indication that the IOP may
2 increase if the viscoelastic is not rinsed out.
3 Recommendation that the IOP checked in 4 to 6 hours,
4 and 24 hours. For this particular one, check in 4 to
5 6 hours and 24 hours. If there's a question on this,
6 we can keep that as a separate motion and vote on
7 that. Was there agreement on that particular one?
8 Dr. Coleman.

9 DR. COLEMAN: I thought there was only
10 agreement on within 24 hours.

11 DR. WEISS: So we can take out the 4 to 6
12 hours. Fine. Dr. Macsai.

13 DR. MACSAI: I would like to see that 4 to
14 6 hour recommendation be left in.

15 DR. WEISS: So if you'd like to see that
16 left in, why don't you put it forward as a separate
17 motion from the grab-bag of motion that everyone is
18 agreeing to and have a vote on it.

19 DR. MACSAI: Can we?

20 DR. WEISS: Yes, you can.

21 DR. MACSAI: Okay. I move that we
22 recommend that in the labeling, we recommend to the

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1 surgeons they check the patient's pressure 4 hours
2 post-op. And I think that that might have been
3 followed by most of those investigators on this study.
4 And the label -- if the Sponsors would like to clarify
5 that, I know that they're not allowed, but I think
6 that's a really good idea.

7 DR. WEISS: So we have a motion. Check
8 the pressure 4 to 6 hours. Do we have a second of
9 that motion?

10 DR. COLEMAN: I second it.

11 DR. WEISS: Can we have a vote. All in
12 favor say aye or raise your hands aye.

13 (Vote taken.)

14 DR. WEISS: We have Dr. Macsai, Dr.
15 Coleman, Dr. Grimmett for. All of those against.

16 (Vote taken.)

17 DR. WEISS: Dr. Sugar, Dr. Schein, Dr.
18 McMahon, Dr. Matoba, Dr. Ho, Dr. Mathers. All of
19 those abstaining?

20 (Vote taken.)

21 DR. WEISS: Dr. Bandeen-Roche and Dr.
22 Bradley. The motion does not pass, so we're going to

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1 include it in the grab-bag. Check IOP in 24 hours.
2 We're going to ask the Sponsor to provide information.
3 Was there -- gonioscopy will be performed at four
4 years, as part of these studies that have been
5 mentioned by Dr. Sugar and Dr. Schein. Dr. Coleman.
6 Well, I'm talking about as part of the post-market
7 studies, you want gonioscopy to be performed, or is
8 this gonioscopy that was already performed that you
9 want the results?

10 DR. ROSENTHAL: Dr. Weiss, you're talking
11 about post-market evaluation on the IDE cohort. Is
12 that what you're talking about now?

13 DR. WEISS: I'm bringing up both factors
14 of Dr. Sugar's -- Dr. Coleman had brought up the
15 interest in getting gonioscopy at four years, and I
16 would like to clarify for the agency whether we're
17 talking about gonioscopy for the cohort that was
18 studied, or whether gonioscopy would be done -- Dr.
19 Schein is nodding, so this is from the cohort that was
20 originally studied. That would be satisfactory?

21 DR. COLEMAN: Yeah. This is for the
22 cohort that was originally studied, but I thought that

1 that -- that was based on the four years data
2 pre-approval. And we've already passed a condition
3 for --

4 DR. WEISS: So you're no longer interested
5 in that?

6 DR. COLEMAN: No. I am interested in it,
7 but I don't see -- you know, it's not a condition, I
8 guess, because it would be approved - - I mean, you're
9 talking if they would do --

10 DR. WEISS: Well, we're just talking about
11 information gathering as part of the four year
12 specular microscopy. Do you still want gonioscopy?
13 If you don't, we can --

14 DR. COLEMAN: No, I do.

15 DR. WEISS: You do. Okay. So we'll
16 include it. It's not a condition --

17 SPEAKER: It's not for approval.

18 DR. WEISS: It's not a condition.

19 DR. COLEMAN: It's not a condition. Okay.

20 DR. WEISS: We're going to label the --
21 for labeling -- yes, Sally.

22 MS. THORNTON: This list that you just

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1 gave, is this -- this is to be collected under one
2 condition called "Additional Information Needed from
3 the Sponsor"?

4 DR. WEISS: I think it depends on each of
5 -- no. The answer is no.

6 MS. THORNTON: Well, what is this?

7 DR. WEISS: I think if you --

8 DR. MACSAI: These are conditions.

9 DR. WEISS: It doesn't fulfill one --
10 these are all separate conditions that there was
11 essentially unanimous agreement on, and they would
12 ordinarily be voted on separately, but in interest of
13 time and because we've discussed them already, they're
14 going to be listed together. Although, the only thing
15 they have in common is the unanimity of the panel's
16 agreement to include these as either labeling or
17 information that's required from the Sponsor, or --
18 for example, we have something here, "Do Not Implant
19 In Anterior Chamber Depth Less Than 3", and advice to
20 put this in in someone with a normal preoperative
21 endothelial cell count, and these are -- there's all
22 variation here.

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1 MS. THORNTON: Okay. Could we, for the --
2 in the interest of trying to track this complete
3 motion, could you please -- you're saying some of them
4 are for this group, some of them for that group.
5 Could you vote on the ones that are for the Sponsor to
6 gain additional information, I think for clarity. And
7 then you can say the group of labeling so that it's
8 all -- it's separated. So you can vote on additional
9 information, then vote on labeling issues. Those are
10 separate motions.

11 DR. MATHERS: This is all the original
12 cohort that we've been deciding now.

13 DR. WEISS: Yes.

14 DR. MATHERS: Not the labeling. I'm not
15 sure that we have to go through all these.

16 DR. WEISS: Well, let's go through each
17 of the -- no, we won't discuss them individually, but
18 --

19 DR. ROSENTHAL: We need to know what you
20 want done on the original cohort when they come back.

21 DR. WEISS: Why don't we just handle that
22 then. If you're talking --

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1 DR. ROSENTHAL: We understand the
2 endothelial cell counts at four and five years. We
3 need to know, is there another part of the
4 examination. Do you want gonioscopy performed, do you
5 want pupil size, and some evaluation of glare issues?
6 Those are things which you can have done on your
7 fourth year visit.

8 DR. WEISS: From what I understand --

9 DR. ROSENTHAL: Or fifth year visit.

10 DR. WEISS: From the panel, for the
11 original cohort, the main interest was yearly specular
12 microscopy until which point the agency feels that
13 stabilization has been met. And Dr. Coleman wanted
14 gonioscopy, particularly at four years.

15 DR. COLEMAN: And peripheral anterior
16 synechiae and pigment deposition.

17 DR. WEISS: Can you repeat that?

18 DR. COLEMAN: Peripheral anterior
19 synechiae and pigment deposition.

20 DR. WEISS: Did you want that yearly, or
21 you wanted that just --

22 DR. COLEMAN: No, just at four years, or

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1 at some time point.

2 DR. WEISS: So we -- the panel was only
3 looking for two things, specular microscopy in the
4 original cohort, and gonioscopy. Was there anything
5 else? Dr. Macsai.

6 DR. MACSAI: Yes. We discussed also when
7 they came back for their four and five year visit,
8 looking at the lens. Dr. Sugar recommended that.

9 DR. WEISS: Yes, you're right. So
10 specular microscopy and examination of the lens
11 yearly. Is there anything else? Does that satisfy
12 what we're looking at for the cohort?

13 DR. MACSAI: Yes.

14 DR. WEISS: Do you need us to vote on
15 that? So can someone put that forward as a motion.

16 DR. MACSAI: I move that at the four and
17 five year checkup of these patients when we're
18 measuring endothelial cell density, we also ask the
19 Sponsor to perform gonioscopy and examination of the
20 lens, report the data to the FDA for their analysis,
21 and this be done for a minimum of five years to
22 attempt to further establish safety parameters for the

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1 device.

2 DR. WEISS: Do we have a second of that?
3 Dr. Matoba seconds. Can we have a vote. All those in
4 favor, raise your hand, signify agreement.

5 (Vote taken.)

6 MS. THORNTON: Sugar for, Bandeen-Roche
7 for, Schein for, McMahon for, Matoba for, Bradley for,
8 Mathers for, Ho for, Grimmett for, Macsai for, and
9 Coleman for, unanimous.

10 DR. WEISS: So now with the cohort being
11 handled, we're going to go to labeling issues. One of
12 the labeling issues was to label the stability of the
13 endothelial cell loss as not been documented yet, that
14 long-term information about development of glaucoma is
15 not known. Dr. Coleman had a list since -- I'm going
16 to -- can you read that list for me, Dr. Mathers?
17 Would you be so kind?

18 DR. MATHERS: Risks greater than --
19 pressure greater than 25 or increased more than 10
20 millimeters. And we were going to ask you for
21 clarification on that, but it was --

22 DR. COLEMAN: Can I look at it?

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1 DR. ROSENTHAL: While you're doing that,
2 can I be sure that you've done the issue of anterior
3 chamber cell -- anterior chamber depth?

4 DR. WEISS: We listed that.

5 DR. ROSENTHAL: Okay. So it'll be
6 contraindicated in anterior chambers less than 3
7 millimeters.

8 DR. WEISS: Yes.

9 DR. ROSENTHAL: And you also said an
10 endothelial cell count?

11 DR. WEISS: Yes, we did. That's
12 endothelial cell count must be normal for age before
13 starting.

14 DR. ROSENTHAL: Okay. That's all been
15 approved by the panel.

16 DR. WEISS: Yes.

17 DR. ROSENTHAL: Thank you.

18 DR. COLEMAN: There was a precaution that
19 the long-term risk of glaucoma, peripheral anterior
20 synechiae and pigment dispersion are unknown. On page
21 20 and 18, to change their use of the term "glaucoma"
22 to ocular hypertension and give a definition of what

1 they called ocular hypertension, their pressure
2 levels, whatever it was. On page 20 and 18 of the
3 labeling, to place it that it was 5 individuals that
4 had pressure greater than 25 or more than a 10
5 millimeter mercury increase from pre-op. And that's
6 about a 1.4 percent incidence. And on page 14, to
7 change the wording in the second line to talking about
8 flushing out the viscoelastic, that using the cannula
9 through the wound, you may flush viscoelastic from the
10 eye, and this may or may not be adequate for
11 decreasing the risk of elevated eye pressures
12 immediately postoperatively. And then the
13 recommendation, interocular pressure measurements
14 within 24 hours post-op, but that's been covered.

15 DR. WEISS: Also, Dr. Macsai had mentioned
16 including limbal pathology which prevents you from
17 getting measurements as an exclusion criteria, that
18 data about the incidence of halos, glare be included,
19 that there's also mentioned by others, that there's a
20 learning curve with higher upside down lens rate and
21 cataracts formation in surgeons with less experience.
22 This is more complications on a per-patient than a

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1 per-eye basis was mentioned by Dr. Schein, that this
2 be listed that way. That under "Patient Precautions",
3 pigment dispersion be listed.

4 Dr. Macsai wanted information about the 65
5 excluded eyes be included, that the risk of retinal
6 detachment remains unknown, that Dr. Sugar had wanted
7 removal of the phrase indicating that this improves
8 the quality of vision, and having specification as far
9 as what is meant by this, that the brochure have a
10 picture of the device and the positioning.

11 We have already indicated that the
12 labeling will indicate that there's correction of
13 myopia up to minus 15, and it's for reduction of
14 myopia over minus 15.

15 Under M.D. labeling, post-op regime using
16 the PMA with Ocuflox and Tobradex, rather than
17 recommending that this must be used in all patients.
18 Indicate that higher myopes had worse results with
19 lower efficacy and higher risk, and the long-term
20 effect on the endothelium is not known for all
21 patients.

22 It was suggested that under the patient

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1 book, explain what a diopter is. Don't use
2 abbreviations. Also, the affect of the pupil size for
3 this device is not known, and increased IOP may be
4 associated. I think that's already been handled by Dr.
5 Coleman's comments.

6 Were there any other labeling issues that
7 -- Dr. Matoba.

8 DR. MATOBA: Well, I previously mentioned
9 that I think risk of endophthalmitis, and possible
10 loss of the eye should be mentioned under possible
11 adverse events. And the term "phakic IOL", or
12 interocular lens was used in the patient information
13 sheet, and that should be clarified. And alternative
14 treatment should be listed more specifically. It's
15 sort of mentioned in passing in the introduction, but
16 it should be listed specifically.

17 DR. BRADLEY: Also, Jayne, the suggestion
18 was made that implantable contact lens be -- that name
19 be changed presumably in the device.

20 DR. WEISS: Well, I understood from the
21 agency that that's not something that we would get
22 involved in. Ralph, are we getting involved in names?

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1 I guess we're not getting involved in names.

2 DR. ROSENTHAL: You can recommend whatever
3 you'd like to recommend, and we will --

4 DR. WEISS: So what -- is that --

5 DR. ROSENTHAL: -- act accordingly if we
6 feel that --

7 DR. WEISS: What would you like to say
8 specifically as far as that goes?

9 DR. BRADLEY: I think it should be
10 described to the patient in an accurate way, and if
11 the FDA deems that contact lens is misleading, which
12 some of us on the panel believe, then that should be
13 changed.

14 DR. WEISS: So we could have a better
15 description of what is meant in this case of a contact
16 lens in the labeling. I don't know if we list it, but
17 we should list that the effect of pupil size is not
18 known. I think I mentioned that. I did mention that.
19 Dr. McMahon.

20 DR. McMAHON: I think the intent of the
21 comment was, is not to explain what a contact lens is,
22 but that the word "contact lens" is misrepresentative

1 of what this device is. And the panel recommends that
2 that term be eliminated from the title of the device,
3 and from labeling.

4 DR. WEISS: I think the -- does the panel
5 sort of -- is there consensus on that statement? I
6 see head nods which will -- so there's consensus that
7 this -- that wording is deceptive, and we would leave
8 it up to the FDA to come up with better wording. What
9 was that?

10 DR. MATHERS: Explain possible need for
11 chronic pressure medications.

12 DR. WEISS: Was that included in your list
13 of things?

14 DR. MATHERS: You mentioned it later.

15 DR. COLEMAN: That's for the patient
16 labeling.

17 DR. MATHERS: Yeah.

18 DR. COLEMAN: That was for patient
19 labeling, just so they would be aware that they might
20 need medications to control the interocular pressure.

21 DR. WEISS: Dr. Macsai.

22 DR. MACSAI: I'd like to make a motion

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1 that we approve the inclusion of all the labeling
2 issues, for the patient booklet, for the surgeon
3 booklet, all the training issues, all the
4 restrictions, all the caveats that Dr. Weiss has gone
5 through over the past 15 minutes, as part of our
6 conditions of approval.

7 DR. WEISS: Do I have a second for that?

8 DR. BRADLEY: Second.

9 DR. WEISS: So we will then put that to a
10 vote. All of those in favor raise your hand.

11 (Vote taken.)

12 MS. THORNTON: Dr. Sugar for, Dr.
13 Bandeem-Roche for, Dr. Schein for, Dr. McMahon for,
14 Matoba for, Bradley for, Mathers for, Ho for, Grimmett
15 for, Macsai for. That's it, 10 for.

16 DR. WEISS: So we have -- the motion has
17 passed so --

18 MS. THORNTON: No, then there is the vote
19 for against. One against.

20 DR. WEISS: Sorry. One against. Dr.
21 Coleman against. Sorry. And any abstentions?

22 MS. THORNTON: We have 11 votes.

1 DR. WEISS: So the motion passes. That's
2 the labeling motion. So at this point, we will then
3 go -- are there any other motions? Otherwise, we will
4 vote on -- any other conditions? Otherwise, we'll
5 vote on the main motion.

6 SPEAKER: We did. That was the main
7 motion, wasn't it?

8 DR. WEISS: No, those were the -- that was
9 labeling.

10 DR. COLEMAN: Can I change my vote then?
11 I voted for the labeling. Sorry.

12 DR. WEISS: The transcript can reflect
13 that Dr. Coleman would like to change her vote on
14 labeling. Now that we've reflected that, we'll go on.
15 Are there any other conditions? If there are no other
16 conditions, then we will vote on the main motion,
17 which was put forward initially, the very first thing
18 that was put forward.

19 MS. THORNTON: Approvable with conditions.

20 DR. WEISS: Which is approvable of this
21 PMA with conditions, which were already voted on. So
22 all of those in favor -- Dr. Mathers, are you --

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1 DR. MATHERS: This is approval -- this is
2 not a conditional approval. This is approval with
3 conditions.

4 DR. WEISS: We vote on the -- what we do
5 is we make the main motion, and then we list all the
6 conditions, vote on the conditions, and we then go
7 back to the main motion which has included all these
8 conditions. So we know what the conditions are
9 because we voted on them. Now we're going back to the
10 main motion, which will be the last vote, I hope.
11 Having said that, we're going to vote on the main
12 motion. Can we have a vote. All of those in favor,
13 can you raise your hand.

14 (Vote taken.)

15 DR. WEISS: Dr. Sugar is in favor, Dr.
16 Schein, Dr. McMahon, Dr. Matoba, Dr. Bradley, Dr. Ho,
17 Dr. Grimmett, Dr. Macsai are in favor of the motion.
18 Those who are opposed to the motion. Dr. Bandeen-
19 Roche and Dr. Mathers, and Dr. Coleman are opposed to
20 the motion. And those -- anyone abstaining? The
21 motion has passed, and --

22 MS. THORNTON: Eight to three.

1 DR. WEISS: And this PMA is approved --

2 MS. THORNTON: Approvable with conditions.

3 DR. WEISS: Approvable with conditions.

4 And then I'd like to poll the panel members as to why
5 they had the vote they did. Dr. Coleman.

6 DR. COLEMAN: I voted against the motion
7 because I felt although there is reasonable assurance
8 of efficacy, I was not comfortable with the reasonable
9 assurance of safety based on glaucoma and angle
10 morphology.

11 DR. WEISS: Dr. Macsai.

12 DR. MACSAI: I voted in favor of approval
13 with conditions due to the fact that I felt the
14 efficacy of this device was significantly proven by
15 the sponsors. This device appeared to have a lower
16 incidence of higher order aberrations, and
17 complications involved in operating on the cornea and
18 the visual axis. This device is removable. I do,
19 however, caution that despite the percent
20 hexagonality, and coefficient of variation of the
21 endothelial cell counts appearing to be acceptable,
22 the percent of endothelial cell loss, which would

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1 establish safety, is not determined for this device;
2 and, therefore, post-market surveillance will be
3 required.

4 DR. WEISS: Dr. Grimmatt.

5 DR. GRIMMETT: Dr. Grimmatt voted approval
6 with conditions for similar reasons to Dr. Macsai.

7 DR. HO: Allen Ho. I voted approvable
8 with conditions. I think the data presented clearly
9 show efficacy and reasonable safety. I'm struck by
10 the lack of visually significant complications in 500
11 surgeries in this group of at-risk eyes, but I do
12 believe that there is a small chance of a worst case
13 scenario that is below the detection of the design of
14 this current study. And, therefore, I support the
15 surveillance.

16 DR. WEISS: Dr. Mathers.

17 DR. MATHERS: I voted against the motion.
18 I believe the device demonstrates excellent efficacy,
19 and in the short term, reasonable safety. But I
20 believe that the data does not support the use of this
21 device in the patient population so described, because
22 of long-term risks of corneal decompensation.

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1 DR. BRADLEY: Dr. Bradley. Yeah, I voted
2 for this motion. I think the device established
3 itself as effective. The concerns about safety raised
4 by the panel, I think will probably best be answered
5 by this potentially larger and post-market study that
6 we've suggested. And I think if the concerns of the
7 panel regarding safety are shown to be true in that
8 post-market study, I think the product will probably
9 be removed from the market.

10 DR. WEISS: Dr. Matoba.

11 DR. MATOBA: I voted that the -- in favor
12 of approvable with conditions, because I believe the
13 device has been shown to be reasonably safe and
14 efficacious. However, I am philosophically opposed to
15 the concept of interocular procedures for patients in
16 the range of myopia minus 3 to 4 or 5.

17 DR. WEISS: Dr. McMahon.

18 DR. McMAHON: Dr. McMahon. I'd like to
19 congratulate the Sponsor on a well done study for --
20 a well done presentation of both the data and the
21 presentation today for what otherwise is a very
22 complicated project, and you're to be congratulated.

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1 I've waffled through the day with regard to my vote
2 for approvability, approvable. And I think with the
3 reassurances that the Sponsor will look at the
4 follow-up data in a responsible manner, I voted that
5 way. And hopefully, this will turn out for the best
6 for all of us.

7 DR. WEISS: Dr. Schein.

8 DR. SCHEIN: I voted for approvable with
9 conditions, feeling that the data was sound for
10 efficacy. I voiced my concerns about safety. The
11 nature of the device and its intention does not allow
12 safety to be evaluated in a pre-market setting, and if
13 we were to deny this kind of study, it would stifle
14 all innovation. And I think the post-market
15 surveillance gives us adequate comfort.

16 The last comment I'd like to make is to
17 encourage the FDA to request control groups for these
18 studies. They do not need to perform a randomized
19 clinical trial, but it's not difficult to get control
20 groups matched to age and for Dr. Barrett to look for
21 some of these outcomes.

22 DR. WEISS: Dr. Bandeen-Roche.

1 DR. BANDEEN-ROCHE: I voted against the
2 motion because to vote for it, I would have had to
3 conclude that the data set before us gave me a
4 reasonable assurance of safety and efficacy. While I
5 was reasonably convinced of efficacy for reasons I've
6 already described, the data did not meet my threshold
7 for reasonable assurance of safety; that is, I agree
8 with the Sponsor that there is a suggestion of
9 stability, but not yet a reasonable assurance interim.
10 My clinical colleagues indicated to me that without
11 stability, there would be a safety concern. And
12 finally, I would conclude for a reasonable assurance
13 of safety with further data of the sort that we've
14 talked about, panning out in the way everyone would
15 hope.

16 DR. WEISS: Dr. Sugar.

17 DR. SUGAR: I voted for approval of the
18 motion. I feel that the efficacy has been well
19 demonstrated, the safety remains a concern, and
20 longer-term data will help assure that. I think at
21 the present time, it is -- appears to be reasonably
22 safe and, therefore, approvable.

1 DR. WEISS: Mr. Crompton.

2 MR. CROMPTON: I'd just like to
3 congratulate the Sponsor on an excellent presentation,
4 and it was a long day, tough day. And the panel, for
5 your very, very thorough deliberations today. It
6 really does help industry, and the FDA, of course.
7 And Sally, great job. Thank you.

8 DR. WEISS: Sally Thornton has a few
9 additional comments before we adjourn.

10 MS. THORNTON: Just to let you all know
11 that the November 7th panel meeting that was
12 tentatively scheduled, has been cancelled. And
13 shortly, I hope the schedule for the next meetings
14 will be up on the web for 2004. They will be on the
15 hotline very shortly too. I want to thank the panel
16 --

17 DR. ROSENTHAL: May I just make one
18 comment, that the cancellation of the November
19 whatever day it was, 7th panel.

20 MS. THORNTON: Yes.

21 DR. ROSENTHAL: Was made with the
22 agreement of the FDA and the Sponsor.

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1 DR. WEISS: Okay.

2 MS. THORNTON: I just wanted to thank the
3 panel for their perseverance through a very difficult
4 and complicated application. I appreciate their
5 cooperation to stay and work with us all the way
6 through passed our time. Thank you. And that's all
7 I have.

8 DR. WEISS: Thank you. The meeting is
9 adjourned.

10 (Whereupon, the proceedings in the
11 above-entitled matter went off the record at 5:58 p.m)

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